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09/509,377	08/28/2000	Sergey Matasov		9553

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EXAMINER

LEUBECKER, JOHN P

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: SERGEY MATASOV

Application No. 09/509,377
Technology Center 3700

Mailed: January 13, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed April 23, 2008 reveals that claim 13 in the Claims appendix of the Appeal Brief is not consistent as amended in the last entered amendment filed on August 10, 2005. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claim 13 as provided in the Brief's Claims Appendix, reads:

13. The endoscope according to any of claims 1 to 6, wherein the endoscopic tube (3) comprises internal transverse pleats (48) of its external cover.

However, in the last entered Amendment dated August 10, 2005, claim 13 reads:

Claim. 13 (Currently amended). The endoscope according to any of claims 1 to 6, wherein the endoscopic tube (3) comprises internal transverse pleats (48) of its external cover, which are directed inwards.

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) hold the Appeal Brief filed April 23, 2008 defective, as required by
37 CFR § 41.37(d);

2) notify the Appellant to submit a “paper” which corrects the Appeal
Brief’s Claims Appendix under 37 CFR §41.37(c)(1)(viii);

3) acknowledge and consider any “paper” submitted by Appellant to
correct the Appeal Brief; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the
Board of Patent Appeals and Interferences at 571-272-9797.

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